

Kusmierczyk teaches the above features, citing F3 of Figure 2B and col. 2, lines 61-67. Applicant respectfully submits that Kusmierczyk does not disclose or suggest the above quoted features recited in claim 15, and, furthermore, that Kusmierczyk actually teaches away from the invention recited in claim 15.

Applicant first addresses control F3 shown in Figure 2B of Kusmierczyk. Figure 2B and 2A of Kusmierczyk show a pair of status display screens in English and in Russian respectively. In the predominantly English display, Figure 2B, an illustration of the control feature associated with the F3 function key on a keyboard bears the text, "РУССКАЯ ТЕКСТ ALT F3" (which is Russian for "Russian Text ALT F3"). In the predominantly Russian display, Figure 2A, the control feature associated with the F3 key on a keyboard bears the text, "ENGLISH TEXT F3." Contrary to the Examiner's assertion, these are clearly not controls, "having a same appearance regardless of the display language currently displayed," as recited in claim 15. These are illustrations of control features having remarkably different appearances based on the display language currently displayed.

On page 3 of the Action, the Examiner refers to the illustration of the control feature as the, "F3 function key." If the Examiner is thereby asserting that it is the physical function key itself that does not change appearance, then applicant respectfully submits that the function key is not an option displayed on a screen of a display unit as recited in claim 15. The fact that a physical function key remains unchanged regardless of the language displayed on the screen does not disclose or suggest the features recited in claim 15.

Furthermore, in Kusmierczyk the language displayed on the screen is toggled when the function key associated with language selection is depressed. Claim 15 recites displaying the first screen, which displays a plurality of selectable language options, when the option is designated on the second screen. Toggling between display languages does not teach displaying another screen that displays a plurality of selectable languages. In light of the above, it is clear that a combination of Mullaney and Kusmierczyk would not have rendered the invention obvious.

Applicant further submits that the Examiner has failed to provide evidence of a motivation to combine. As emphasized by the court in *In re Lee*, 277 F.3d at 1343, the Examiner must present specific evidence of motivation:

When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See, e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) (“the central question is whether there is reason to combine [the] references,” a question of fact drawing on the *Graham* factors).

The Examiner has failed to provide any evidence of a motivation to combine Mullaney and Kusmierczyk. The Examiner has merely asserted that “it would have been obvious to one of ordinary skill in the art at the time of the invention to include the function key option of Kusmierczyk in the invention of Mullaney because it provides users an easy access to language selection screen[s] by means of utilizing the function keys on a keyboard.”

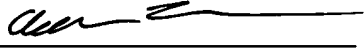
Applicant submits that the motivation provided is flawed in the following respect. That is to say, the Examiner has provided no evidence of motivation from either Mullaney or Kusmierczyk, and has therefore fallen short of the bar set by *In re Lee* as detailed above.

Independent claims 26, 27, and 30 are allowable for reasons similar to those above. All three claims recite an option having the same appearance regardless of the display language displayed, a function not disclosed nor suggested by Mullaney or Kusmierczyk.

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 325772015100.

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Respectfully submitted,

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